

OVERRULED BY N.D.A.G. 86-20

Date Issued: March 3, 1982 (AGO 82-15)

Requested by: John Romanick, McLean County State's Attorney

- QUESTION PRESENTED -

Whether a candidate for judge of a county court in those counties which have agreed to share the services of a county judge must file a separate petition for nomination in each individual county.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that a candidate for judge of a county court in those counties which have agreed to share the services of a county judge must file a separate petition for nomination in each individual county.

- ANALYSIS -

Section 27-07.1-02 of the North Dakota Century Code provides that two or more counties may enter into agreement to provide for the election of a single county judge or any number of judges to serve the county courts of those counties. Section 27-07.1-01, N.D.C.C., states in part as follows:

In those counties which have entered into an agreement pursuant to section 27-07.1-02, one or more judges of the county court shall be elected by the eligible voters of the counties entering into the agreement. Each candidate for the office of judge of the county court in a county which has entered into a multicounty agreement shall comply with the appropriate filing requirements in each county to be served by the position.

The filing requirements for those interested in serving as county judges are found in section 16.1-11-11, N.D.C.C. Specifically, the requirement as to the number of signatures on the candidate's petition is found in section 16.1-11-11(2)(c), N.D.C.C.

Applying the filing requirements of section 16.1-11-11, N.D.C.C., to the clear language of section 27-07.1-01, N.D.C.C., it is my opinion that candidates for the position of county judge where a multicounty agreement exists must file a separate petition for nomination in each of the counties in which the judge is to serve. Each petition is subject to the signature requirements of section 16.1-11-11(2)(c), N.D.C.C. Only those qualified electors of a county may sign the petition for the office of county judge for that particular county.

- EFFECT -

This opinion is issued pursuant to section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

ROBERT O. WEFALD
Attorney General

Prepared by: Terry L. Adkins
Assistant Attorney General